

FILED
 03 SEP -2 PM 1:00
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

1 EVE DEL CASTELLO, Pro Se

2 Name and Address

3 865 SAN JOSE AVE, #2

4 SAN FRANCISCO, CA 94110 E-filing

5 UNITED STATES DISTRICT COURT **WDB**
 6 NORTHERN DISTRICT OF CALIFORNIA

7 CV 08 4153

8 Case No. _____

9 EVE DEL CASTELLO

10 Plaintiff / Petitioner

11 VS.

12 Superior Court-Alameda County

13 Defendant / Respondent

14 Document Name: Complaint
 15 DEMAND THE ABUSE OF
HALT OF JUDICIAL DISCRETION
AND ILLEGAL COURT PROCEDURE,
AND APPROPRIATE RELIEF FOR
PLAINTIFF.

- 16 1. JURISDICTION: THIS COURT HAS JURISDICTION OVER THIS
 17 COMPLAINT BECAUSE IT ARISES UNDER THE LAWS OF THE U.S.
 18 2. VENUE: VENUE IS APPROPRIATE IN THIS COURT BECAUSE
 19 THE DEFENDANT IS IN THIS DISTRICT AND ALL OF THE VIOLATIONS
 20 GIVING RISE TO THIS LAWSUIT OCCURRED IN THIS DISTRICT.
 21 3. INTRADISTRICT ASSIGNMENT: THIS LAWSUIT SHOULD BE
 22 ASSIGNED TO THE SAN FRANCISCO DIVISION OF THIS COURT BECAUSE
 23 ALL OF THE VIOLATIONS WHICH GIVE RISE TO THIS LAWSUIT
 24 OCCURRED IN ALAMEDA COUNTY (OAKLAND).
 25 4. PLAINTIFF EVE DEL CASTELLO REMAINS VICTIMIZED BY THE
 26 ABUSE OF JUDICIAL DISCRETION AS WELL AS BEING DENIED
 27 CERTAIN RIGHTS OF DUE PROCESS. Doc. 14030831 (THAT I WAS
 28 THREATENED TO PAY FOR) HAS LED TO FURTHER JUDICIAL
 MISCONDUCT, AS A RESULT OF MISINTERPRETING COMPUTER
 READINGS HENCEFORTH. — I WISH A SEPTOR — THE INITIAL STEP
 HAD NO PROBABLE CAUSE — THE "SHOULD" PART IS NOT NECESSARY.

EVE DEL CASTELLO

- PLAINTIFF

V. SUPERIOR COURT - ALAMEDA COUNTY

- DEFENDANT

MEMORANDUM OF
POINTS & AUTHORITIES

U.S. CONSTITUTION-

5. ARTICLE 3, SECTION 1 ".....THE JUDGES, BOTH OF THE SUPREME AND INFERIOR COURTS, SHALL HOLD THEIR OFFICES DURING GOOD BEHAVIOR...."
I WAS FOUND GUILTY AND FINED \$60.00 ON 5-17-06. I WAS UNABLE TO FINISH THE INITIAL APPEAL AND THEREFORE PURSUED A "CORRECTION OF JUDGEMENT" FROM AUGUST 28-'06 AND FINALLY RECEIVED A HEARING 4-7-07. - AMENDMENT XIV, U.S. CONST. - TURKIN DOES INSURE THE STATE OF CALIFORNIA OUR RIGHTS TO A HEARING. JUDGE HENDRICKSON & COMMISSIONER LABOWITZ WERE BOTH INVOLVED IN THE ABUSES.

6. JUDGE HENDRICKSON INITIALLY IN THAT COURTROOM IN MAY 2006 DID NOT ALLOW ME A FAIR AND IMPARTIAL TRIAL - AMENDMENT V - U.S. CONST. ".....NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY.....". SAME MORNING - SAME HEARING - I WAS DEEMED INNOCENT AND AFTER DETERMINED GUILTY REGARDING THE EXACT SAME STATUTE CITED 27315D. IT WAS NEVER AN OFFENSE TO BEGIN WITH WHICH IS WHY CHARGES WERE PROPPED IN THIS SAME STATE, S.F., CA. Jan. '05 - S.F. CA. I WORE A STRAPBOLT AND AM IN COMPLIANCE.

7. AMENDMENT VII, U.S. CONSTITUTION- ".....IN SUITS AT COMMON LAW, WHERE THE VALUE IN CONTROVERSY SHALL EXCEED \$20.00, THE RIGHT OF TRIAL BY JURY SHALL BE PRESERVED....." - CONSIDERING THESE AMENDMENTS AND XIV, THE FEDERAL LAW HAS, AGAIN, BEEN BROKEN
ACCORDING TO SECTION 27315 - SECTION (h) CLEARLY, & NOT AMENDED SINCE, NOT TO BE FINED MORE THAN \$20.00 FOR A FIRST OFFENSE..... THE CITATION 14030731 SHOULD HAVE BEEN DISMISSED.

EVE DEL CASTELLO

V.

Superior Court -

ALAMEDA COUNTY

MEMORANDUM OF
POINTS & AUTHORITIES

(7.) CONTINUED... HOWEVER, I WAS SENT A NOTICE
MAILED 5-31-06 SAYING IF MY "FINE" WAS NOT RECEIVED
BY 6-12-06 - I WOULD BE SUBJECT TO AN "ADDITIONAL
ASSESSMENT OF \$250 + IT MAY RESULT IN A DRIVER'S
LICENSE SUSPENSION BY DMV. AND - "THE INCREASED
ASSESSMENT WILL BE IMPOSED AS A CIVIL JUDGMENT
PURSUANT TO 1214.1 OF THE PENAL CODE." I SENT
THE \$60 - BECAUSE I DID NOT INITIALLY HAVE
TIME TO APPEAL + (I WAS OVERRUNNED WITH
PAPERWORK INVOLVING QUALIFYING FOR STATE CONGRESSIONAL
PRIMARY + MAIL INVOLVING AN ABSOLUTELY ILLEGAL
PARKING TICKET, ULTIMATELY DISMISSED IN S.F. INVOLVING
MY ABSOLUTE IMPRESCINDIBLE WITNESS WHERE I
WAS PARKED + THE FACT THAT THEY DID NOT HAVE
A RIGHT TO TAKE A PICTURE OF MY LICENSE PLATE
+ SUGGEST SUCH ACCUSATION. I DID QUALIFY
FOR THE BALLOT + MY OPPONENT BROKE FEDERAL LAW -
1214.1 OF THE PENAL CODE REGARDS CIVIL ASSESSMENT
FOR FAILURE TO APPEAR; COLLECTION - I DID APPEAR.

8. BEFORE ^{GETTING} ~~RECEIVING~~ A HEARING FOR "CORRECTION OF
SUPERIOR" - ~~WHEN~~ I HELD ON TO A COPY OF THE
TRAFFIC DOCKET AND MINUTES INVOLVING THE CITATION 1392314,
DOC 001392314 THAT WAS DISMISSED IN HENDRICKSON COURT -
IGNORING ARTICLE I, SECT 15, C.I. PRIVILEGE AGAINST SELF -

(8.) continued.

MEMO OR
POINTS & AUTHORITIES

INCUMBRANCE 122. AND
AMENDMENT V - U.S. CONSTITUTION

"NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE
A WITNESS AGAINST HIMSELF." THE DOCUMENT ~~FOR~~
WAS STAMPED "DEFENDANT IS PRESENT & OFFICER
DID NOT APPEAR. CASE DISMISSED FOR LACK OF
PROSECUTION". IN THIS STATE, WE REMAIN
INNOCENT UNTIL PROVEN GUILTY. THAT'S AN
ILLEGAL/UNCONSTITUTIONAL STATEMENT - "LACK OF PROSECUTION"

9. AMENDMENT VI U.S. CONSTITUTION - "THE ACCUSED
SHALL ENJOY THE RIGHT TO A SPEEDY & PUBLIC TRIAL."
REGARDING THE LABOWITZ "CONNECTION OR JUDGMENT" -
I DID NOT ENJOY THE CLERK'S ~~WITNESS~~ +/OR
LACK OF KNOWLEDGE. August 28, 2006 - April 7, 2007.
THURS TO PLEASANTON SUPERIOR. I RECEIVED
SOMETHING DATED 10-11-07 STATING "MOTION DENIED
POSTED BAIL OF \$60⁺ REMAINS FORFEITED"
WHICH EXPLAINED "LABOWITZ" INCLUDING ILLEGAL
COURT PROCEDURE & JUDICIAL MISCONDUCT OF
JUDGE HARDMICKSON. THIS CASE IS BASED ON
S163075 DENIED FOR REVIEW 6-11-08.

10. AMENDMENT VI - ALSO ^I HAD TO STAY ^{IN} LINE FOR 2
HOURS SEVERAL TIMES TO ACHIEVE INITIAL HEARINGS.

Eve Del Castillo
EVE DEL CASTILLO

8-29-08
DATE

(Koun) Page 4 of 6

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EVE DEL CASTELLO

US.

SUPERIOR COURT -
ALAMEDA COUNTY

PRAYER FOR RELIEF

APPROPRIATE RELIEF REQUESTED.

FURTHER JUDICIAL MISCONDUCT CONTINUES BECAUSE
THIS "PROTOCOL" EXISTS IN A COMPUTER
MISINTERPRETATION ~~BY~~ AND "TREND", NOT LAW
IN CITATIONS BEING ASSESSED - 3 MORE OUTSTANDING
CASES IN THE 1ST APPELLATE IN S.F., CA.
THIS CASE DOES NEED TO BE REIMBURSED FOR
MORE THAN TRAVELING + HOURS SPENT THAT
WOULD HAVE BEEN UNNECESSARY HAD THERE
BEEN APPROPRIATE JUDICIAL & COURT PROCEEDINGS.

Eve Del Castello
EVE DEL CASTELLO

8-29-08
Date

DECLARATION OF
EVE DEL CASTELLO
IN SUPPORT OF COMPLAINT

I IDENTIFY THE FOLLOWING ATTACHMENTS AS
TRUE AND CORRECT COPIES OF:

COPIES OF DISMISSAL - S.F. 1-14-05 AND
PLEASANTON 5-11-06 = EXHIBITS ONE AND TWO.

COPY OF 27315 (W) = EXHIBIT 3

* SEE EXHIBIT 2 WITH ILLEGAL WORDING
"..... LACK OF PROSECUTION.....", ETC. *

COPY OF CHARTER MAILED = EXHIBIT 3 1/2

COPY OF DENIAL LABOWITZ 10-11-07 = EX. 4

COPY OF 1214.1 = EXHIBIT 5

COPY OF EXCERPTS Superior Court

CASE # S163076, 8952-4 = EX. 6

I HEREBY DECLARE UNDER PENALTY OF
PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
Executed on August 29, 2008.

Eve Del Castillo
EVE DEL CASTELLO

JUDGE S U P E R I O R C O U R T
REPORTER C I T Y A N D C O U N T Y O F S A N F R A N C I S C O

DATE 01/14/05
TIME 9.00 AM

HEARING CALENDAR

PAGE 15
DOCKET NO. 3AP ON APPEAL
DEFENDANT

VICLIATION DATE/CODE BAIL

J U D G E M E N T

CC38193TR C DELCASTELLO EVELYN
SETTLEMENT OF STATEMENT ON AP; FS\$10.00 BY 1/24/05
ON APPEAL DEPT A 01/14/05

0035 PRIOR DEPT: A /F2 11/24/04 C38193TR C
DISP FS 35-01 08/25/04 V27315D M
WARR ASSMT 6.00
TOTAL 4.00
10.00

DISMISSED

OUTSTANDING AMOUNT

10.00 ADJ. CLK. ()

CALENDAR PRODUCED AT 8.30 AM ON 01/11/05 DEPT A 01/14/05 HEARING CALENDAR PAGE 15

EXHIBIT 4
ONE

TRAFFIC DOCKET AND MINUTES

SALE-SCHENONE HALL OF JUSTICE

5672 STONERIDGE DRIVE, PLEASANTON CA 94588

MUNICIPAL COURT FOR THE

SUPERIOR COURT

JUDICIAL DISTRICT XXXXXXXXXX

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

DEPT. 702

CAL. DATE 11/02/05

JUDGE/COMMISSIONER
COURTROOM STAFFHENDRICKSON
FLORES

PLA

NAME/DISPATCHER NAME

DEL CASTELLO EVELYN

CASH/BOND AMOUNT

\$

.00

RECEIPT NUMBER

POSTED BY

CITING AGENCY: 04

DOCKET NUMBER 0013923141

CITATION NUMBER 02872WA

ISSUE DATE 06/04/05

ROC CT COURT TIME 08:30

SUM JUDG. DATE 05/11/06

☒ DP ☐ AP☐ DEF. ARRAIG. AND DULY
ADVISED OF RIGHTS.☐ TW☐ AW☐ JW☐ TWS

CHARGES

PLEA

PROCEEDINGS

1. I 27315D

2.

3.

4.

5.

6.

7.

8.

DEFENDANT IS PRESENT AND OFFICER DID NOT APPEAR

CASE DISMISSED FOR LACK OF PROSECUTION

ADDITIONAL PROCEEDINGS:

PRIORS = 01

DFN: MARTENS, G. Absent

IMPORTANT: THE BOX(ES) CHECKED (✓) BELOW APPLY TO YOU

☐ YOUR NEXT COURT DATE IS _____ AT _____ AM/PM IN DEPT.# _____ FOR _____☐ PAY YOUR BAIL/FINE/FEE OF \$ _____ AT TRAF WINDOW ON BEFORE _____ BY
4:00 PM OR YOU MUST RETURN ON YOUR DUE DATE AT 8:30 AM / PM TO DEPT. _____

YOU ARE RESPONSIBLE FOR DELIVERY BY US MAIL IF YOU ARE REMITTING YOUR PAYMENT BY MAIL. PAYMENT MUST BE RECEIVED THE DAY BEFORE YOUR NEXT COURT DATE.

TERMS OF COURT PROBATION

☐ COURT PROBATION GRANTED FOR _____ MONTHS. ON THE FOLLOWING TERMS AND CONDITIONS:
REPORT AS DIRECTED AND FOLLOW INSTRUCTIONS OF THE COURT. BE OF GOOD CONDUCT
AND OBEY ALL LAWS. REPORT ANY CHANGE OF ADDRESS TO THE COURT WITHIN 10 DAYS.
DO NOT DRIVE UNLESS LICENSED AND INSURED.☐ INSTALLMENT PAYMENT GRANTED. YOUR TOTAL FINE
OF \$ _____ SHALL BE PAID IN _____ MONTHLY
INSTALLMENTS AND UNTIL THE FINE IS FULLY PAID.☐ ATTEND: ☐ DDC ☐ BTS ☐ TVS ☐ CVS
YOU MUST REGISTER AND COMPLETE COURSE WITHIN
_____ MONTHS FROM THIS DATE.☐ REPORT IMMEDIATELY TO _____ ON FIRST FLOOR☐ WORK PROGRAM: TO WORK _____ HOURS/DAYS
FOR _____

COMPLETE WORK BY _____ OR

RETURN TO DEPT. ON _____

AT _____ AM/PM.

DATE: _____

JUDGE/COMMISSIONER OF THE MUNICIPAL COURT

§ 27315

VEHICLE CODE

highway shall maintain safety belts in good working order for the use of occupants of the vehicle. The safety belts shall conform to motor vehicle safety standards established by the United States Department of Transportation. This subdivision does not, however, require installation or maintenance of safety belts where not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically disabling condition or medical condition which would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, when in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to any passenger in any seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, any violation of subdivision (d), (e), or (f) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or any other court-approved program in which the proper use of safety belts is demonstrated.

(i) In a civil action, a violation of subdivision (d), (e), or (f) or information of a violation of subdivision (h) does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(j) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, no motor vehicle manufactured after that date for sale or sold in this state shall be registered unless it contains a manual safety belt system which meets the performance standards applicable to automatic crash protection devices adopted by the Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

(k) Each motor vehicle offered for original sale in this state which has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. Any automobile manufacturer who sells or delivers a motor vehicle subject to the requirements of this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

(l) Compliance with subdivision (j) or (k) by a manufacturer shall be made by self-certification in the same manner as self-certification is accomplished under federal law.

(m) This section does not apply to a person actually engaged in delivery of newspapers to customers along the person's route if the person is properly

restrained by a safety belt delivery on the route.

(n) This section does not apply to delivery activities as a Service if the person is present at the first box and subsequent boxes.

(o) This section does not apply to a driver of solid waste or recycling vehicle if the driver is properly restrained subsequent to completion of delivery.

(p) Subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yy), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz).

Editor's Notes—Subdivisions (d) and (h) may become inoperative if specified regulation by Secretary of Transportation is not adopted.

Amendments:

2003 Amendment: (1) "son" for "No person" at the (d)(1) and (e); (2) substitute "shall not" throughout subdivision (d) and (e); (3) substitute "may not" for "shall" in subdivision (f); (4) delete all penalty assessments imposed on the convicted person in both instances of "not more than" in subdivisions (d) and (e); (5) delete former subdivision (i); (6) add subdivision (j) in addition to the fines provided in subdivision (h) and the penalties provided for pursuant to Penal Code, an additional fine of two dollars (\$2) shall be assessed for each subsequent offense, and an additional fine of five dollars (\$5) shall be assessed for each subsequent offense. "All in accordance with Section 42005." (6) redesignated (k).

The trial court proper petition for writ of mandamus to overturn the suspension because he was driving with alcohol content. An officer to stop defendant's vehicle that defendant was driving without a seat belt. The arresting officer have an intimate knowledge of defendant's driving record.

Beginning in 1992,

italics indicate changes or additions. *** indicate omissions.

EXHIBIT 3

CASTELLO EVELYN FRANCES
865 SAN JOSE AVE 2
SAN FRANCISCO CA 94110-5445

**NOTICE OF FAILURE TO PAY FINE
BRING THIS NOTICE WHEN APPEARING
OR PAYING**

DOCKET #: 14030831
Driv. Lic: N4741688
Notice Date: 05/31/06

Cite #: 99008WM / 08
DOB: 04/07/53

Issued: 08/13/05
Veh. Lic: 2ZHY298

You have been cited for the following violations:

CVC 1 27315D SEAT BELTS DRIVE

You have failed to pay your fine of **\$60.00** on or before 05/10/06 as ordered by the court. If your fine is not received by **06/12/06**, you will be subject to an additional assessment of \$250 and it may result in a driver's license suspension by DMV. The increased assessment will be imposed as a civil judgment pursuant to 1214.1 of the Penal Code. This means it will be referred to a Collections Agency. In addition to other means the County may garnish your wages, your spouse's wages or any tax refund due you. This judgment will be in effect for 10 years or until paid. NOT IN 1214.1

IMPORTANT: SEND THIS NOTICE WITH YOUR PAYMENT OR BRING IT WITH YOU.
DO NOT MAIL CASH. PARTIAL PAYMENTS ARE NOT ACCEPTED.
PERSONAL CHECKS WILL NOT BE ACCEPTED AFTER THE DUE DATE.

PLEASE MAKE PAYMENT TO:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
GALE/SCHENONE HALL OF JUSTICE, TRAFFIC DIVISION
5672 STONERIDGE DRIVE N4741688
PLEASANTON, CA 94588-8678 14030831

DIRECTIONS TO THE COURT: The Traffic division is located on the first floor at 5672 Stoneridge Drive, Pleasanton, CA. Public parking is limited; allow adequate time to find legal parking.
FROM I-880: Take the Stoneridge Drive exit and go east. You will cross Hopyard Road and proceed under the cement archways into Hacienda Business Park. After you pass a second set of archways, the road will make a bend and the Courthouse is the second large two-story building on the right-hand side.
FROM I-580: Take the Hopyard Road exit and go south to the fourth signal which is Stoneridge Drive, make a left turn under the archway into Hacienda Business Park. After you pass under the second set of archways, the road will make a bend and the Courthouse is the second large two-story building on the right-hand side.
You may also exit from I-580 at Santa Rita Road. Go south into Pleasanton. Make a right turn at West Las Positas Boulevard.

- CONNOR ALBRIGHT in 8-8-06
- TOOK till 4-7-07 TO ALAN HEARNING

TRAFFIC DOCKET AND MINUTES

EXHIBIT 14

5672 STONERIDGE DRIVE, PLEASANTON CA 94588

MUNICIPAL COURT FOR THE

SUPERIOR COURT

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

JUDICIAL DISTRICT XXXXXXXXXXXXXXXXXX

DEPT. 702
 CAL DATE 04/04/07
 JUDGE/COMMISSIONER
 COURTROOM STAFF

SFT

CITING AGENCY: DB

DOCKET NUMBER 0014030831
 CITATION NUMBER 99008MM
 ISSUE DATE 08/13/05
 ROC M COURT TIME 09:00
 SUM JUDG. DATE 10/11/07

NAME/DISPATCHER NAME
 GASH/BOND AMOUNT
 POSTED BY

LABOWITZ
 MENDEZ/FUKUSHIMA
 ZXA
 CASTELLO EVELYN FRANCES

\$ 60.00 FN RECEIPT NUMBER L061306LL 919
 IF 10 TS 29

☒ BP ☐ AP ☐ DEF. ARRAIG. AND DULY ADVISED OF RIGHTS ☐ JW ☐ AW ☐ JW ☐ TWS ☐ BF ☐ EXON ☐ FSA ☐ REIN

CHARGES	PLEA	PROCEEDINGS
1. 275150		FINE
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(100)
Motion Denied
Posted Bail of \$60.00 remains forfeited
Under Sub
**Notice Mailed By Court*

ADDITIONAL PROCEEDINGS:

PRIORS = 01

DEF: STEWART, T

IMPORTANT: THE BOX(ES) CHECKED (✓) BELOW APPLY TO YOU

☐ YOUR NEXT COURT DATE IS _____ AT _____ AM/PM IN DEPT. # _____ FOR _____
☐ PAY YOUR BAIL/FINE/FEE OF \$ _____ TRAF WINDOW ON BEFORE
 4:00 PM OR YOU MUST RETURN ON YOUR DUE DATE AT 8:30 AM BY
 YOU ARE RESPONSIBLE FOR DELIVERY BY US MAIL IF YOU ARE REMITTING YOUR PAYMENT BY MAIL. PAYMENT MUST BE RECEIVED THE DAY BEFORE YOUR NEXT COURT DATE.

TERMS OF COURT PROBATION

☐ COURT PROBATION GRANTED FOR _____ MONTHS ON THE FOLLOWING TERMS AND CONDITIONS:
 REPORT AS DIRECTED AND FOLLOW INSTRUCTIONS OF THE COURT. BE OF GOOD CONDUCT
 AND OBEY ALL LAWS. REPORT ANY CHANGE OF ADDRESS TO THE COURT WITHIN 10 DAYS.
 DO NOT DRIVE UNLESS LICENSED AND INSURED.

☐ INSTALLMENT PAYMENT GRANTED. YOUR TOTAL FINE
 OF \$ _____ SHALL BE PAID IN _____ MONTHLY
 INSTALLMENTS AND UNTIL THE FINE IS FULLY PAID.

☐ ATTEND: ☐ DDC ☐ BTS ☐ TVS ☐ CVS
 YOU MUST REGISTER AND COMPLETE COURSE WITHIN
 _____ MONTHS FROM THIS DATE.

☐ WORK PROGRAM: TO WORK _____ HOURS/DAYS
 FOR _____

COMPLETE WORK BY _____ OR
 RETURN TO DEPT. ON _____
 AT _____ AM/PM.

DATE: _____

☐ REPORT IMMEDIATELY TO _____ ON FIRST FLOOR

JUDGE/COMMISSIONER OF THE MUNICIPAL COURT

I HAVE READ A COPY OF THESE CONDITIONS OF PROBATION AND I UNDERSTAND AND AGREE TO
 PERFORM AND COMPLETE COMPLIANCE. I FURTHER UNDERSTAND THAT VIOLATION OF THE PROBATION WILL
 RESULT IN FURTHER COURT ACTION AND PENALTIES.

Maurice (1915) 166 Cal 201, 135 P 952, 1913 Cal LEXIS 305; People v. Alexander (1929) 101 Cal App 394, 281 P 697, 1929 Cal App LEXIS 217.

6. Illustrative Cases

The trial court did not err in imposing, as a probation condition, a requirement that defendant, convicted of eight counts of insurance fraud, sign a confession of judgment in favor of the insurer in the amount of its investigation costs. Const Art I § 28(b) and Penal C § 1202.4(f) together require that restitution be ordered in every case in which the defendant's conduct has caused a victim to suffer economic loss. Defendant did not dispute either that the insurer suffered such a loss as a result of his attempted frauds or the amount of that loss, and his challenge that restitution is improper because it is a civil rather than a criminal

remedy was without merit. A restitution order is itself fully enforceable by a victim as if the restitution were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment. Accordingly, there is no practical or legal difference between a restitution order and a confession of judgment for the purpose of restitution. While a condition of probation may be stricken if it operates to circumvent a prescribed statutory procedure and thereby nullify a manifest legislative policy, the confession of judgment condition imposed here was consistent with and furthered the strong legislative policy of ensuring full restitution to victims of crimes. People v. Farael (1999, Cal App 1st Dist) 70 Cal App 4th 864, 83 Cal Rptr 2d 16, 1999 Cal App LEXIS 206.

§ 1214.1. Civil assessment for failure to appear; Collection

(a) In addition to any other penalty in infraction, misdemeanor, or felony cases, the court may impose a civil assessment of up to three hundred dollars (\$300) against any defendant who fails, after notice and without good cause, to appear in court for any proceeding authorized by law or who fails to pay all or any portion of a fine ordered by the court or to pay an installment of bail as agreed to under Section 40510.5 of the Vehicle Code. This assessment shall be deposited in the Trial Court Trust Fund, as provided in Section 68085.1 of the Government Code.

(b) The assessment shall not become effective until at least 10 calendar days after the court mails a warning notice to the defendant by first-class mail to the address shown on the notice to appear or to the defendant's last known address. If the defendant appears within the time specified in the notice and shows good cause for the failure to appear or for the failure to pay a fine or installment of bail, the court shall vacate the assessment.

(c) If a civil assessment is imposed under this section, no bench warrant or warrant of arrest shall be issued with respect to the failure to appear at the proceeding for which the assessment is imposed or the failure to pay the fine or installment of bail. An outstanding, unserved bench warrant or warrant of arrest for a failure to appear or for a failure to pay a fine or installment of bail shall be recalled prior to the subsequent imposition of a civil assessment.

(d) The assessment imposed under subdivision (a) shall be subject to the due process requirements governing defense and collection of civil money judgments generally.

(e) Each court and county shall maintain the collection program that was in effect on July 1, 2005, unless otherwise agreed to by the court and county. If a court and a county do not agree on a plan for the collection of civil assessments imposed pursuant to this section, or any other collections under Section 1463.010, after the implementation of Sections 68085.6 and 68085.7 of the Government Code, the court or the county may request arbitration by a third party mutually agreed upon by the Administrative Director of the Courts and the California State Association of Counties.

Added Stats 1985 ch 979 § 1. Amended Stats 1996 ch 217 § 1 (AB 1346), effective July 22, 1996; Stats 2005 ch 74 § 59 (AB 139), effective July 19, 2005, ch 705 § 7 (SB 67), effective October 7, 2005, ch 706 § 36 (AB 1742), effective January 1, 2006; Stats 2007 ch 738 § 41 (AB 1248), effective January 1, 2008.

Amendments:

1996 Amendment: (1) Amended subd (a) by substituting (a) "infraction, misdemeanor, or felony" for "criminal"; and (b) "and without good cause, to appear in court for any proceeding authorized by law or who fails to pay all or any portion of a fine ordered by the court" for "and without good cause to appear in court for any proceeding authorized by law"; (2) added "or for the failure to pay a

fine" in subd (b); and (3) substituted subd (c) for former subd (c) which read: "(c) If an assessment is imposed under this section, no bench warrant or warrant of arrest shall be issued with respect to the failure to appear at the proceeding for which the assessment is imposed."

2005 Amendment (ch 74): (1) Amended subd (a) by (a) substituting "three hundred dollars (\$300)" for "two hundred fifty dollars (\$250); and

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INTRODUCTION

EXHIBIT 6
 EY 10/1/08 p. 2

This case regards my constitutional rights being denied in a courtroom in Pleasanton Superior 2006 and since - literally as a result of Abuse of Judicial Discretion. It is a serious set of proceedings that were abusive and I am sure I am not that ~~many~~ court's only victim. Something needs to be done regarding these judges. Some people do not have time to go once to achieve a hearing (Standing in line for 2 hours before 8 A.M. to be the first 50) and then have to return for the hearing, itself - or the money to hire a lawyer (Lawyer's Referral at \$35 or so thanks to the Bar Assoc.). Some pay - though they are innocent - because their hourly worth is presumably more than the hours I have spent seeking justice.

CONVICTED
 * EY 10/1/08
 E.P.
 8-29-08

BACKGROUND

PLEASE CONSIDER the background because since 2005 the Pleasanton's Court abuse and its record in the computer led to further abuse by judges in Hayward and Alameda (Writs currently in appeal). I am still seeking justice regarding this unconstitutional conspiring. The initial citations resulted as of 2 Pleasanton sheriffs stepping me with @ "No Probable Cause" - Then in Hayward and lastly, Alameda 2006. By then, I was involved in qualifying for 2006 Congressional primary and other professional, fraternal and health/Athletic endeavors - so I sent \$60 in until I had time to file a "Correction of Judgement" (Page 9 Attached). I had to call the State Attorney General's office by July 2006 - at which time I was advised to call an administrative sheriff in Oakland to stop the "No Probable Cause" steps. I also complained to the Pleasanton Sheriff's leader and had a formal State complaint

Excerpt pg 3

taped by the Dept. of Internal Affairs. It stopped - So, I continued my work. After 2300 plus votes received in June primary - I had to initiate a case with the Federal Election Commission that closed April 2007 regarding my opponent and 2 volunteer groups breaking Federal Election Law - We have had 2 chairmans since and the State Party had to have workshops about this lack of campaign etiquette - I'm currently only running for a County Seat (3rd Try) - They raised money for another woman - at least with the integrity that I have.

WRIT FILED NOVEMBER 26, 2007 in Oakland Superior denied January 11, 2008 (Page 5) is attached to copy of original writ (Pages 6-14). The rulings I am seeking relief from were attached Page 7 . I did not wait 7 months as I ^{research} been thus far explaining. I decided to ~~search~~ this and other cases to achieve more justice in this state including Supreme Court Case #S162541(All7981) currently in ~~Review~~ Review. I was within the statutes of limitations upon filing this writ, which ~~now~~ includes Abuse of Judicial Discretion and other unconstitutional proceedings mentioned in my Points & Authorities, Page 7 . This is not an appeal Of the Correction of Judgment - It is a new and timely ~~writ~~ writ.

~~PLAINTIFF~~
~~APPELLATE~~, EVE DEL CASTELLO, is currently asking for review of 1st Appellate's Denial 3/20/08 attached (Page 1). The case used was not applicable - It involved a rental squabble and money and was an excuse to further harrass ~~and~~ a defendant and was not necessary and therefore dismissed. This writ, currently in review regards a timely and appealable Unlimited Civil set of matters.

except pg 4

CONCLUSION

May I also add that I am in clear recollection of that first hearing when Judge Hendricksen mentioned political excuse of the state legislature (Perhaps unaware individually of constitutional law) - This did not justify her right to ignore my right to Common Law (considering the matter had been dismissed in its entirety without charge or cost right in her courtroom and previously dismissed in a courtroom in S.F. When trying to file a "Correction of Judgement" I also clearly remember @ "Labowitz" and his court. It took quite a while to obtain the April hearing - the Clerks were not aware of that type of appeal and when I appeared in April - I was told I did not have to remain for that Appeal and then, it was unjustly denied. (By Mail).

Please consider that I am still being unlawfully charged and billed and either license or arrest threatened over a non-infraction - Lending the law enforcement a computer excuse for further misconduct/stepping - The billing remaining in the other 2 courts (I am currently also suing).